

### **REMARKS**

On page 2 of the office action, Claim 2 is objected to because of the following informalities: the claim description within the parenthesis should not be cited along with the claim. Appropriate correction is required.

On page 2 of the office action, Claims 12-20 are objected because they do not further limit to independent claim 11.

On page 2 of the office action, Claims 11-20 are directed to non-statutory subject matter. Claims 11, the phrase "A computer readable media" is not limited to a tangible embodiment (see specification PUB, page 1, 0002).

On page 2 of the office action, Claims 1-31 and 38-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Termoto (US 2005/0046643).

On page 5 of the office action, Claims 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Termotto (US 2005/0046643) in view of Haeberli (US 6,941,276).

The Examiner is objected to claims 11-20 under 35 U.S.C. 101 as being directed to non-statutory subject matter. In this regard, applicant has amended claims 11-20 to be directed to computer readable media, which depend, at least, ultimately upon independent claim 11. It is respectfully submitted that these dependent claims are now appropriately directed to statutory subject matter.

The Examiner rejected claims 1-31 and 38-49 under 35 U.S.C. 103(a) as being unpatentable over Termotto (US 2005/0046643 for the reasons set forth, therein.

Applicant respectfully submits that the Termotto reference does not teach or suggest the invention as set forth by applicant. First, the present invention as set forth in independent claims 1, 11, 21, 31, and 38 all require the use of a computer readable media having a software program that when placed on a user computer will cause the user computer to perform a predefined series of steps. In this regard, applicant refers the Examiner to page 5, lines 28 through page 6, line 2, which clearly sets forth examples of a computer readable media, which includes a CD or other solid state movable memory. Thus, a computer readable media is a physical media having a software program thereon. The software media is placed on a user computer which causes the computer to perform a predefined series of steps, including the creation and customizing of an

image product from a template. The computer readable media also includes a credit toward the cost of the customized image products to be purchased and includes a unique identifier.

The Termotto reference is directed to a process for preparing signage such as posters; banners; and trade show graphics and other similar items that permits customization through use of selection of background images (see abstract). As set forth in paragraphs 0027 and 0028, Termotto describes the process of the invention can be practiced by the supplier establishing a website on the Internet making available background images. This is in contrast to the present invention where software is provided with images on the readable media that is to be loaded directly onto the user computer. There is no teaching or suggestion of providing a computer media having a program that is executable on the user computer. Quite the contrary, the Termotto reference teaches the use of online for accessing a supplier website. A special program is utilized to effect online customization of images to create a file and allow the file to be sent to an imaging center for printing. This is in contrast to the present invention. The program of the present invention provides for creation on the user computer. In addition, in the present invention the computer readable media includes a credit which is applied to the cost of the customized image product. This is also not taught or suggested by Termotto. Furthermore, as previously mentioned, a unique identifier is associated with the computer readable media, which is also not disclosed by Termotto. The unique identifier assists in identifying the appropriate credit to be associated with that particular computer readable media. Since the Termotto reference is not directed to a computer readable media, nor does it teach or suggest the providing of credit, it could not teach the invention as currently set forth and claimed by applicant. Furthermore, in the present invention, the software specifically requires the user computer to perform a predefined series of steps to create the customized image product. There is no such teaching suggestion of going through a predefined series of steps as provided by the software provided on the computer readable media. Quite the contrary, Termotto simply teaches the use of making designs as allowed by the website. In Termotto, the user chooses from an image library of various backgrounds or text customized chosen backgrounds. As set forth in paragraph 0028, there is no predetermined

location where graphics or text must be added. As can be seen, this teaches a way from providing predetermined series of steps as taught and claimed by applicant.

In summary, for the numerous reasons set forth above, applicant respectfully submits that the Termotto reference does not teach or suggest the invention is currently set forth.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

Attorney for Applicant(s)

Registration No. 27,370

Frank Pincelli/jpc  
Rochester, NY 14650  
Telephone: 585-722-3335  
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.